

FILED

Date _____

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Comm. Amdt. _____

Amendment No. 1 to SB1870

**Southerland
Signature of Sponsor**

AMEND Senate Bill No. 1870

House Bill No. 877*

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known, and may be cited, as the “Employer Responsibility in Hiring Practices Act”.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by inserting the following as a new, appropriately designated section thereto:

(a) As used in this section, unless the context otherwise requires:

(1) “Basic pilot program” means the federal electronic work authorization verification service provided by the United States department of homeland security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003;

(2) “Lawful resident verification information” means the documentation that is required by the United States department of homeland security when completing the employment eligibility verification form commonly referred to as the federal “Form I-9”. Documentation that later proves to be falsified, but that at the time of employment satisfies the requirements of the “Form I-9”, is lawful resident verification information; and

(3) “Person” includes any individual, partnership, association, company, business or corporation of any size regulated by, doing business in or using the services of employees in this state, including entering into a contract for the provision of such services.

(b) On and after January 1, 2008, no person shall employ an individual in this state without verifying the immigration status of that individual. Verification of immigration status shall be accomplished by:

(1) Obtaining lawful resident verification information from the individual within three (3) days of such individual's employment and maintaining such information for the entire period of employment and for no less than two (2) years thereafter; and

(2) Confirming immigration status within three (3) days of such individual's employment by using the basic pilot program offered by the federal department of homeland security, and maintaining documentation of such confirmation for the entire period of employment and for no less than two (2) years thereafter.

(c) Nothing in this section shall be construed to prevent an employer from contracting with or otherwise obtaining the services of a designated agent for the purpose of complying with this section.

(d) There is created within the department of labor and workforce development the office of employment verification assistance. The department is authorized to hire no more than one (1) full-time employee to staff the office of employment verification assistance. That employee shall provide assistance to employers in this state in complying with this section, including by obtaining employment verification on behalf of those employers who do not have access to the Internet. Before the office of employment verification assistance obtains employment verification on behalf of an employer, that employer shall be required to sign a form developed by the department attesting to the employer's lack of access to the Internet.

SECTION 2. The commissioner of labor and workforce development is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect January 1, 2008, the public welfare requiring it, and shall be repealed effective June 30, 2009, the public welfare requiring it.